

Preliminary Ecological Advice Letter (Condition 3e)

At:

81a/81 Whinbush Road,
Hitchin,
Hertfordshire,
SG5 1PZ

For:

Viva Property Group Limited

Private and Confidential

Ref: 5551 23 10 26 Ltr 01 Rev A TI BB

Sevenoaks Environmental Consultancy Ltd,
145a Hastings Road, Pembury, Kent, TN2 4JU
Tel: 01892 822999



Association of Geotechnical &
Geoenvironmental Specialists



Sevenoaks
Environmental
Consultancy Ltd

Contents

1. Introduction.....	3
1.1 Background and approach.....	3
1.2 Site Description.....	3
1.3 Relevant Legislation and Planning policies.....	5
2. Wildlife Enhancements.....	6
2.1 Habitat Enhancements	6
2.1.1 Tree planting.....	6
2.1.2 Shrub Planting	6
2.1.3 Grassland Habitat.....	6
2.2 Additional Enhancements	7
2.2.1 Bat Boxes	7
2.2.2 Bird Boxes	7
3 Long Term Management	8
3.1 Trees	8
3.2 Shrubs	8
3.3 Grassland	8
3.2 Bat Boxes	8
3.3 Bird Boxes.....	8
4 Conclusion	9
5. Appendix.....	10
5.1 Appendix 1: Current Site layout	10
5.2 Appendix 2: Proposed Layout.....	11
5.3 Appendix 3: Legislation	12

Job	030923- 81 And 81A Whinbush Road, Hitchin, Hertfordshire, SG5 1PZ.		
Report title	Wildlife Enhancement Plan		
Version	Final		
File reference	RP-SEC-068		
Author	James Webster MCIEEM,	EHM LTD	25/10 /2023

1. Introduction

EHM Ltd has been commissioned to compile a wildlife enhancement plan of a former garage and domestic dwelling located in Hitchin North Hertfordshire. This report will provide the necessary information to help discharge the following planning conditions:

Condition 3

Before the development hereby permitted is occupied, landscape details shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the following:

- a) which, if any, of the existing vegetation is to be removed and which is to be retained;*
- b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting;*
- c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed;*
- d) details of any earthworks proposed.*
- e) a range of wildlife improvement measures including wildlife friendly plants to deliver biodiversity net gain;.*

This report will deal principally with section e) of this condition. Though it will also cover aspects of sections a) and b).

1.1 Background and approach

The development involves erection of three storey building comprising of 8 residential apartments (7 x 1-bed and 1 x 2-bed) with associated parking and private amenity space following demolition of existing car workshop building. Alterations to existing dwelling 81a Whinbush Road including single storey rear extension, insertion of rear dormer window to facilitate loft conversion and alterations to fenestration following demolition of existing attached rear office building (see appendix 2).

To meet the above planning conditions EHM has compiled a wildlife enhancement plan. This is based on a desktop assessment of the site and consultation of relevant planning policies and legislation.

1.2 Site Description

The site covers an area of approximately 700 m² and is roughly square in shape. Located off Whinbush road the site consists entirely of built habitats. Two sections of buildings are arranged either side of a large open space (garage forecourt), to the north is 81a Whinbush Rd (photo 1) which appears to be recently used as office space for the garage consists of a two-storey section to the front (west) with a pitched tiled roof and single storey flat roof section to the rear. To the south is a row of single storey buildings used as the maintenance garage with pitched corrugated roofs (photo 2). These are constructed of different materials. The site is bounded by brick walls.

A layout of the current site can be seen in appendix 1. The site is located in Hitchin: TL18842964



Photo 1: Looking northward towards 81a.



Photo 2: Looking southward across forecourt towards garages.

1.3 Relevant Legislation and Planning policies

A full list of UK wildlife legislation and designations can be seen in the appendix. Relevant legislation implications for this site include;

- The Conservation of Habitats and Species Regulations 2010 (as amended);
- The Wildlife and Countryside Act 1981 (as amended);
- The Countryside and Rights of Way Act 2000;
- The Natural Environment and Rural Communities Act (NERC Act) 2006;

Planning policies, both local and national, may affect any proposed development. Relevant planning policies to this development include;

- National Planning Policy Framework (NPPF)
- North Hertfordshire Local Plan 2011-2031¹
 - Policy NE1: Strategic green infrastructure
 - Policy NE2: Landscape
 - Policy NE6: New and improved open space

¹ <https://www.southoxon.gov.uk/wp-content/uploads/sites/2/2021/02/SODC-LP2035-Publication-Feb-2021.pdf>

2. Wildlife Enhancements

The aims of the enhancements are to provide a long-term benefit for local habitats and species. The enhancement plan will focus on delivering landscape enhancements by creating new habitats on site. Enhancements will also include additional features that will benefit local wildlife.

The current site does not contain any areas of significant vegetation or identifiable ecological features. This means that the inclusion of any features or areas of vegetation will likely provide a net gain for wildlife.

2.1 Habitat Enhancements

As can be seen in appendix 2 the proposed development will include areas of private garden associated with number 81a and the three proposed blocks of flats. These garden areas provide the opportunity to include habitats that will provide a benefit for local wildlife. The section below will provide details of these proposed enhancements.

2.1.1 Tree planting

Tree planting will be provided in each of the garden areas. The nature and size of the gardens mean that there is only likely room for a single tree. It is recommended that this consists of a native tree species such as Field Maple (*Acer campestre*), Wild cherry (*Prunus avium*) or ornamental species with a wildlife benefit such as fruit trees which have flowers to attract pollinators and fruits that will attract birds and insects.

Specimens of 16-18cm girth shall be planted. The trees are to be planted into tree pits.

The ecological benefits of the tree planting include;

- Additional bat foraging and commuting habitat
- Screening of the wider habitats in the area from the site, including mature trees
- Additional bird nesting habitats

2.1.2 Shrub Planting

Low level shrub planting will also be carried in the garden habitats. It is recommended that this include species that are beneficial to wildlife such as those on the RHS pollinators list².

Follow horticultural best practice and suppliers' instruction when planting shrubs.

2.1.3 Grassland Habitat

Lawn habitat will also be added to the garden areas. Though this will likely be maintained at a low sward height it will be sown with Low Growing Wildflower Seeds LW12M³ to provide an additional enhancement.

² <https://www.rhs.org.uk/science/pdf/conservation-and-biodiversity/wildlife/plants-for-pollinators-garden-plants.pdf>

³ <https://www.wildflower.co.uk/products/wildflower-seed-mixtures/lw12-low-growing-80-20.html>

2.2 Additional Enhancements

The proposed development provides the opportunity to include additional ecological features such as bat and bird boxes.

2.2.1 Bat Boxes

The Beaumaris Woodstone Bat Box is an example of a bat box that can be erected on the exterior of a building (see below). A bat box such as this will be erected on the exterior of each apartment block and the exterior of 81a.



Diagram 1: Example of bat box that can erected on building exterior.

See bat conservation trust guidelines around positioning bat boxes⁴. In summary, locate boxes:

- Where bats are known to feed and navigate (close to hedges and tree lines);
- Ideally at least 3m- 4m above the ground (where safe installation is possible);
- Away from artificial light sources (to protect them from predation); and
- Sheltered from strong winds and exposed to the sun for part of the day (usually south, south-east or south-west).

2.2.2 Bird Boxes

It is also recommended that a Swift Nest Box is added to the building at 81a (see below). This can be placed on the exterior of the building ideally placed high up in the eaves of the building.



Diagram 2: Example of integrated swift box.

⁴ http://www.bats.org.uk/pages/bat_boxes.html

3 Long Term Management

3.1 Trees

In initial years after planting. Hand weed around planted trees or use suitable herbicide, until established. Water- only if during very dry spell to help trees establish.

The trees when established will require little management. They should be allowed to develop a natural canopy. Management regime will encourage micro habitat sites for birds, mammals, and insects e.g., by ensuring presence of deadwood, cavities, or loose bark etc.

3.2 Shrubs

The shrubs will require little maintenance. Occasional weeding may be required during the first two years of the life of the rain garden. Remove by hand any weeds, ensuring that you remove the whole plant, including the roots. As the plants in the beds mature, they will fill in any gaps and suppress weed growth.

During winter, you may want to remove any dead or untidy plants, although it is good to leave some dead stems and seed heads for wildlife. Regular mowing is not required, but the bed may benefit from cutting occasionally. Periodic cutting should be undertaken to maintain a structural diverse habitat.

3.3 Grassland

The grassland habitat will likely be maintained at a short sward height though a more relaxed mowing regime is recommended during spring and summer. The use of herbicides should be restricted to maintain floral diversity.

3.2 Bat Boxes

The bat boxes once installed will not require much in the way of regular maintenance. Once bats have moved in, a bat box can only be opened, moved or disturbed by someone with the right licence. This is the case all year round, even if the bats are only in residence for part of the year. To check if the box is currently being used, look out for droppings and urine staining below the access point. During the summer (May to September) you can also listen for 'chattering' and watch the box for an hour either side of sunset to observe any bats leaving to feed. It may be necessary to open the box to determine whether it has been used by bats. If the box needs to be opened to check it then there must be a suitably licensed bat worker present.

3.3 Bird Boxes

Bird boxes should be cleaned annually. It is recommended that old nests be removed in the autumn, from September onwards once the birds have stopped using the box. Use boiling water to kill any remaining parasites, and let the box dry out thoroughly before replacing the lid. Insecticides and flea powders must not be used.

Unhatched eggs in the box can only be removed legally between September and January and must then be disposed of. Take care to ensure the nest is no longer active as some species can nest right through September.

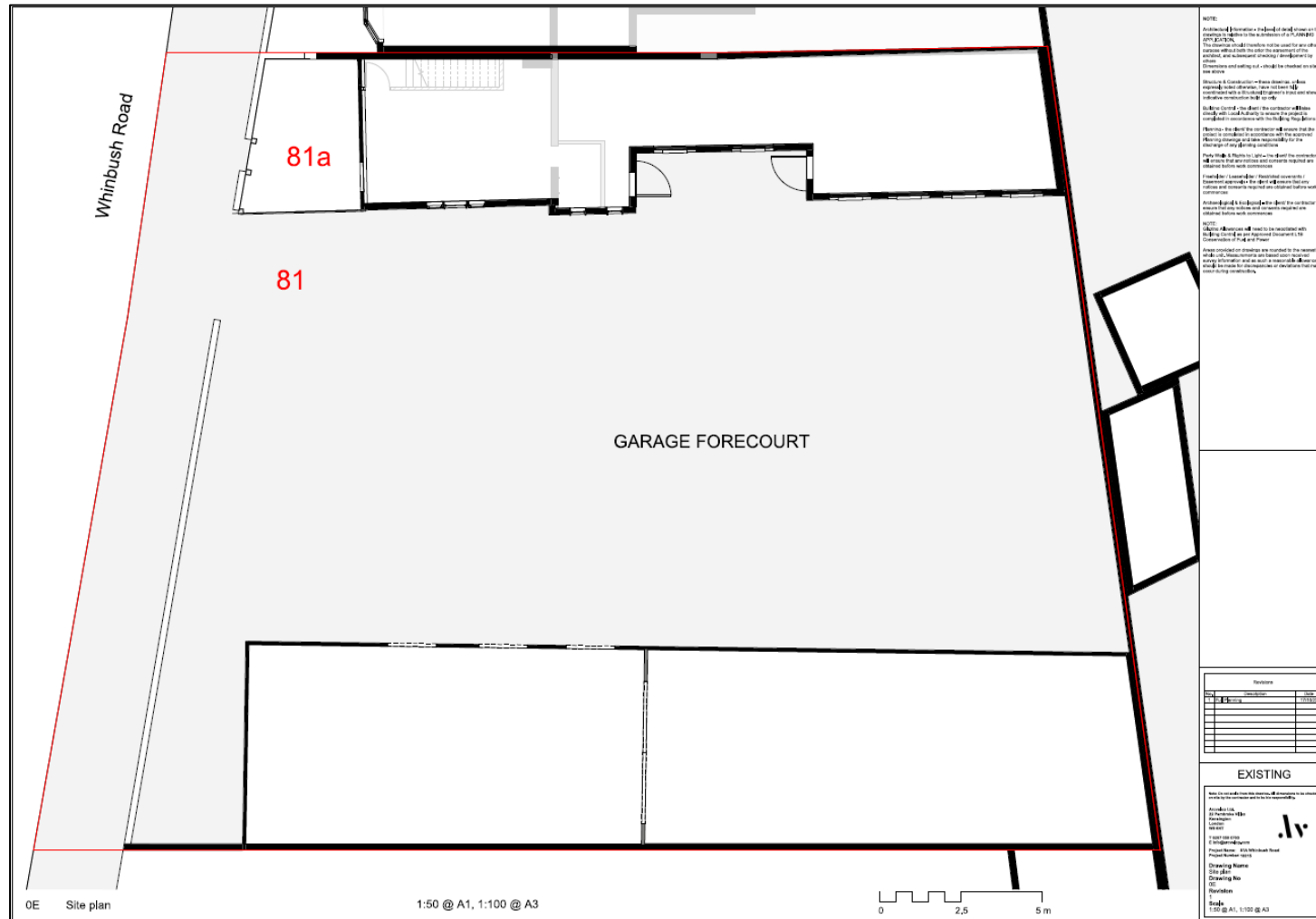
4 Conclusion

The proposed enhancements will meet the requirements of the planning condition. The proposed planting on the site will provide connectivity to the wider landscape and a net gain for biodiversity. The proposed habitats will also benefit a wide range of species including bats, small mammals, invertebrates and birds.

The recommended management will ensure these habitats continue to provide a benefit for the long term. This is in line with local planning policies.

5. Appendix

5.1 Appendix 1: Current Site layout



Proposed Site Plan

Existing House 81a (Through Road)

Proposed extension

Private Garden

Private Parking

Site Storage Area

Parking 1

Parking 2

Parking 3

Parking 4

Parking 5

Parking 6

Parking 7

Parking 8

Soft Landscaping

Bin storage within concealed housing

Master bedroom 1

Bedroom 2

Kitchen

Dining

Living

Private Garden

Bathroom

Office

Master bedroom 1

Kitchen

Dining

Living

Private Garden

Bathroom

Scale: 1:50 @ A1, 1:100 @ A3

0 2.5 5m

5.3 Appendix 3: Legislation

Protected species have protection under national legislation such as the Wildlife and Countryside Act 1981 and European legislation such as the Habitats Directive.

Please note the following:

- (1) If there is no record of a particular protected species, this does not signify that the species is absent from the site in question. It may mean that it has not been recorded, that the site has not been surveyed for this species, or that data relating to its presence has not been made available to us.
- (2) The presence of a protected species record does not mean that the species is still present. It means that the species was recorded at that time and place. The implications of the record should be further evaluated, and a survey to establish the current status may be required.
- (3) The following summary of legislation is designed purely as a basic guide, if any action is to be taken regarding any of the protected species listed, then it is imperative that the full relevant legislation be consulted.

WILDLIFE PROTECTION LEGISLATION IN ENGLAND

Legislation that protects wildlife in England exists at the European and national level.

European Law

The Bern Convention on the Conservation of European Wildlife and Natural Habitats (1979) was aimed at ensuring conservation and protection of all wild plants and animals, increasing cooperation between states, and affording special protection to the most vulnerable or threatened species. It was implemented by the EC Birds Directive (Council Directive 79/409/EEC) and the EC Habitats Directive (Council Directive 92/43/EEC).

The Bonn Convention on Migratory Species of Wild Animals (1979 & 1994) requires the protection of migratory animals. It was implemented by the EC Birds Directive (Council Directive 79/409/EEC) and the EC Habitats Directive (Council Directive 92/43/EEC).

The EC Habitats Directive aims to establish a network of protected areas in order to maintain the distribution and the abundance of threatened species and habitats. A number of species are listed in the annexes.

Annex II lists animals and plants whose conservation requires the designation of Special Areas of Conservation (SACs).

Annex IV lists animals and plants in need of strict protection. For the animals, this prohibits deliberate capture, killing, disturbance (especially during breeding period), destruction or taking of eggs from wild, and destruction or deterioration of breeding sites or resting places. For the plants, this prohibits deliberate picking, collecting, uprooting, cutting, destruction, and trade in entire plants or parts, at all stages of life.

Annex V lists animals and plants for which taking in the wild may be subject to management measures

National Law

Wildlife and Countryside Act The Wildlife and Countryside Act 1981 (as amended) is the main source of legal protection for wildlife in England and was strengthened by the Countryside and Rights of Way Act 2000. A statutory five-yearly review of Schedules 5 and 8 (protected wild animals and plants) is undertaken by the relevant authorities. Species protection is provided under Schedules 1, 5, 6 and 8:

Schedule 1 lists bird species that are rare, endangered, declining or vulnerable. The Schedule is divided into two parts. Part I lists birds which receive special protection; these birds receive additional protection from disturbance at the nest. Part II lists birds that receive the same level of special protection, but only during the breeding season.

Schedule 5 protects animal (other than bird) species from certain actions, according to the sections of the Act under which they are listed:

S9 (1) prohibits the intentional killing, injury or taking. S9 (2) protection is limited to possessing and controlling. S9 (4a) prohibits the damaging, destroying or obstructing access to any place used by the animal for shelter or protection. S9 (4b) prohibits disturbing the animal while it is occupying any structure or place which it uses for shelter or protection. S9(5) prohibits the selling, offering for sale, possessing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from such an animal. Species on this Schedule do not appear on the PSI.

Schedule 6 lists animals that may not be killed by certain methods. Even humane trapping for research requires a licence.

Schedule 8 lists plant species for which it is prohibited to intentionally pick, uproot, destroy, trade in, or possess (for the purposes of trade).

Under the Wildlife and Countryside Act, all wild plants in Britain are protected from intentional uprooting by an unauthorised person. Landowners, land occupiers, persons authorised by either of these, or persons authorised in writing by the Local Authority for the area are exempt from this, except for Schedule 8 species.

Conservation Regulations the Conservation of Habitats and Species Regulations 2010 (as amended) transpose the EC Habitats Directive into national law. In addition to enabling the designation of SACs, the regulations also provide species protection:

Schedule 2 protects the listed animals from deliberate capture, killing, disturbance or trading in.

Schedule 4 protects the listed plants from picking, collecting, uprooting, destroying or trading in.

These actions can be made lawful through the granting of licences by the appropriate authorities. Licences may be granted for a number of purposes, but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild the population of the species concerned.

Protection of Badgers Act the Protection of the Badgers Act prohibits the killing, injuring or taking of badgers and damage or interference with a badger sett, unless licensed to do so by a statutory authority.

International and European Obligations

In the UK, species receiving protection under international legislation and agreements are protected through the Wildlife and Countryside Act, so are not shown separately in the BMERC notable species lists. For reference, the relevant categories are shown below.

Bern Convention on the Conservation of European Wildlife and Natural Habitats the Bern Convention aims to ensure the conservation of wild flora and fauna species and their habitats.

- Appendix 1 (strictly protected flora) - Plants for which contracting parties will prohibit deliberate picking, collecting, cutting or uprooting.
- Appendix 2 (strictly protected fauna) - Animals for which contracting parties will prohibit deliberate capture, possession, killing, damage to or destruction of breeding or resting sites, disturbance or destruction or taking of eggs. Appendix 3 (protected fauna) - Animals for which contracting parties will include closed seasons and regulate their sale, keeping for sale, and transport for sale or offering for sale of live and dead wild animals. (Not included in Notable Species List).

Bonn Convention on Migratory Species the Bonn Convention aims to conserve terrestrial, marine and avian migratory species throughout their range.

- Appendix 1 (migratory species threatened with extinction) - Species for which contracting parties will strictly protect and endeavour to conserve or restore the places where they live, mitigating obstacles to migration and controlling other factors that might endanger them.
- Appendix 2 (migratory species that need or would benefit from international co-operation) - Species for which contracting parties will be encouraged to conclude global or regional agreements for the conservation and management of individual species or, more often, of a group of species. (Not included in Notable Species List).

The EC Council Directive on the Conservation of Wild Birds the Birds Directive provides a framework for the conservation and management of all wild birds in Europe. As well as designating important sites for birds as Special Protection Areas, birds are generally protected from deliberate killing or capture and destruction of or damage to their nests or eggs, and deliberate disturbance. Allowances are made for game birds.

UK BAP & notable species

UK Biodiversity Action Plan and Section 41 Species

Biodiversity, or biological diversity, is the whole variety of life on Earth. The Convention on Biological Diversity (CBD) came about as a result of the 1992 Earth Summit. As one of 168 countries to sign up to the CBD, the UK was required to develop a national strategy for the conservation of biodiversity; the UK Biodiversity Action Plan (UKBAP) was born.

The UKBAP is the result of contributions involving a wide range of people and organisations, enabling the identification of species and habitats that are listed as priorities for conservation action. A 2007 review of the UKBAP has resulted in 1149 species and 65 habitats being listed as conservation priorities. For more information see www.ukbap.org.uk.

In addition to the national priorities and targets, action is also being taken at local level. The Essex Biodiversity Project is responsible for implementing the Essex Biodiversity Action Plan, which has 28 priority species and 15 priority habitats currently listed. For more information see www.essexbiodiversity.org.uk.

The UK BAP

(From Explanatory Note by Defra and Natural England on Section 41 of the Natural Environment and Rural Communities

(NERC) Act 2006 - Habitats and Species of Principal Importance in England)

The England Biodiversity List has been developed to meet the requirements of Section 41 of the Natural Environment and Rural Communities Act (2006). This legislation requires the Secretary of State to publish a list of species of flora and fauna and habitats considered to be of principal importance for the purpose of conserving biodiversity.

The S41 list will be used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of the Natural Environment and Rural Communities Act 2006 'to have regard' to the conservation of biodiversity in England, when carrying out their normal functions. In particular:

- Regional Planning Bodies and Local Planning Authorities will use it to identify the species and habitats that should be afforded priority when applying the requirements of National Planning Policy framework (NPPF) and PPS9 Circular to maintain, restore and enhance species and habitats.
- Local Planning Authorities will use it to identify the species and habitats that require specific consideration in dealing with planning and development control, recognising that under NPPF and PPS9 Circular the aim of planning decisions should be to avoid harm to all biodiversity.
- All Public Bodies will use it to identify species or habitats that should be given priority when implementing the NERC Section 40 duty.

Habitats of Principal Importance Fifty-six habitats of principal importance are included on the S41 list. These are all the habitats in England that have been identified as requiring action in the UK Biodiversity Action Plan (UK BAP). They range from habitats such as upland hay meadows to lowland mixed deciduous woodland and from freshwater habitats such as ponds to marine habitats such as subtidal sands and gravels.

Species of Principal Importance There are 943 species of principal importance included on the S41 list. These are the species founding England which have been identified as requiring action under the UK BAP. In addition, the Hen Harrier has also been included on the List because without continued conservation action it is unlikely that the Hen Harrier population will increase from its current very low levels in England.

Relationship with the UK Biodiversity List of Species and Habitats the UK BAP list of priority species and habitats is an important reference source and will be the focus for conservation action across the UK over the next decade. It has been used to draw up the species and habitats of principal importance in England under S41 of the NERC Act.

The revised UK BAP list of priority species and habitats can be downloaded from the UK Biodiversity Website: <http://www.ukbap.org.uk/NewPriorityList.aspx>

Relationship with the biodiversity duty under Section 40 of the NERC Act There is a general biodiversity duty in the NERC Act (Section 40) which requires every public body in the exercising of its functions to 'have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.

There is no direct relationship between the Section 41 duty on the Secretary of State to publish the list and promote the taking of steps to conserve the habitats and species on it, and the Section 40 duty on public bodies to have regard to the purpose of conserving biodiversity. Importantly:

(a) Biodiversity, as covered by the Section 40 duty includes all biodiversity and not just the habitats and species of principal importance. However, there is an expectation that public bodies would refer to the S41 list when complying with the section 40 duty.

(b) The duty on the Secretary of State to promote the taking of steps by others is not restricted to public bodies.

Defra guidance for local authorities and public bodies on implementing the biodiversity duty in the NERC Act draws attention to the S41 list, emphasising that local authorities and public bodies have a role to play in ensuring the protection of these species and habitats. Copies of the guidance can be downloaded from:

<http://archive.defra.gov.uk/environment/biodiversity/documents/pa-guid-english.pdf>